

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KIMBERLY-CLARK WORLDWIDE, INC. and
KIMBERLY-CLARK GLOBAL SALES LLC,

Plaintiffs,

v.

Case No. 09-C-916

FIRST QUALITY BABY PRODUCTS, LLC, et al.,

Defendants.

**ORDER DENYING MOTION FOR ENTRY OF
REVISED PRELIMINARY INJUNCTION**

Plaintiffs Kimberly Clark Worldwide, Inc., and Kimberly-Clark Global Sales, LLC (collectively “K-C”) have moved the Court for entry of a revised order granting K-C’s renewed Motion for Preliminary Injunction. On May 20, 2010, the Court entered an Order granting the motion for a preliminary injunction that enjoined Defendants First Quality Baby Products, LLC, and First Quality Retail Services, LLC (collectively “First Quality”) from “making, using, selling or offering to sell in the United States, or importing into the United States, the methods of manufacturing disposable training pants with refastenable side seams” that infringe upon the patents asserted by K-C in the above action. K-C now seeks to expand the relief so that First Quality is not only enjoined from making, using, selling or offering to sell in the United States the patented methods of manufacturing disposable training pants, but also any products made or manufactured using such methods heretofore. K-C seeks such relief under 35 § 271(g).

The issue raised by K-C was not addressed at either the hearing on K-C's initial motion, nor on its renewed motion. First Quality opposes K-C's motion, arguing that allowing it to sell its current inventory would preserve good-will by permitting First Quality to fulfill its existing obligations to its customers. More importantly, First Quality argues that K-C has failed to show that it would be irreparably harmed if First Quality is allowed to sell its existing inventory. Given the fact that its existing inventory is a finite amount, First Quality notes that the determination of damages resulting from such sales is likely to be easily attainable.

Based on the current state of the record, the Court agrees. There has been no showing of irreparable harm or the lack of an adequate remedy at law so as to support expansion of the preliminary injunction entered by the Court. Accordingly, K-C's motion to revise the preliminary injunction is denied.

SO ORDERED this 8th day of June, 2010.

s/ William C. Griesbach
William C. Griesbach
United States District Judge